

REMARKS

Claims 33, 38, and 43 are pending in this application. By this Amendment, claims 33, 38, and 43 are amended. Accordingly, upon entry of this Amendment, claims 33, 38, and 43 will be pending for examination. The amendments to the claims are supported throughout the specification. No new matter has been added.

The claim amendments should in no way be construed as acquiescence to any of the Examiner's rejections and were made solely to expedite prosecution of the application. Applicants reserve the right to pursue claims to the canceled subject matter, or any subject matter which they are entitled to claim, in this or a separate application.

Written Description Rejection

The Examiner has rejected claim 43 as allegedly lacking adequate written description with respect to the recitation of "pharmaceutical active ingredient other than the compounds of claim 38." Applicants have obviated this rejection by deleting the rejected recitation from claim 43.

Markush-type claim language

The Examiner objects to claim 33 as lacking appropriate Markush-type claim language. Specifically, the Examiner requests replacement of "or" with "and" in the second line of the definition of Ar¹ in claim 33. Applicants have obviated this objection by amending claim 33 in accordance with the Examiner's suggestion.

Objection to Claims 33 and 38

The Examiner objects to claims 33 and 38 and recommends that the term “or salts thereof” be amended to “a pharmaceutically acceptable salt thereof.” Applicants have obviated the objection to claim 38 by amending the claim in accordance with the Examiner's suggestion. Applicants respectfully submit that this type of amendment is not appropriate with respect to claim 33 which is a compound not a composition claim. Accordingly, applicants respectfully request reconsideration of the objection to claim 33.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance. If for any reason the Examiner feels the application is not now in condition for allowance it is respectfully requested that he contact, by telephone, the undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this case.

In the event that any fees are due with respect to this paper, please charge Deposit Account No. 01-2300, referencing Atty. Docket No. 030863-00001.

Respectfully submitted,



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